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08-322

IN THE

Supreme Court of the United States

NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NUMBER ONE,

Appellant,

—v.—

ERIC H. HOLDER, JR., ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA, *ET AL.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIEF OF *AMICUS CURIAE* ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND IN SUPPORT OF APPELLEES

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March 25, 2009

ADDITIONAL *AMICI CURIAE*

Additional *amici curiae* are the following organizations that represent Asian American voters and have conducted voter registration drives, voter education events, and election protection activities on Election Day.

American Citizens for Justice
Asian American Bar Association of Greater Chicago
Asian American Bar Association of New York
Asian American Lawyers Association of Massachusetts
Asian American LEAD
Asian American Society of Central Virginia
Asian Community Development Corporation of Boston
Asian Pacific American Agenda Coalition
Asian Pacific American Bar Association of the Greater Washington, DC Area
Asian Pacific American Bar Association of Pennsylvania
Asian Pacific American Labor Alliance
Asian Pacific American Legal Resource Center
Asian Pacific Islander American Vote
Cambodian Association of Greater Philadelphia
Chinese American Voters Association
Chinese Progressive Association
Coalition of Asian Pacific Americans of Virginia
Filipino American Human Services, Inc.
Korean American League for Civic Action
Korean American Resource & Cultural Center
Korean American Voters' Council of NY & NJ
Korean Community Service Center of Greater Washington, DC
Maryland Vietnamese Mutual Association
MassVOTE
Muslim Bar Association of New York
National Asian Pacific American Women's Forum
National Korean American Service & Education Consortium
North American South Asian Bar Association
OCA
ONE Lowell
One Nevada
Philadelphia Chinatown Development Corporation

Providence Youth and Student Movement
The Sikh Coalition
South Asian Americans Leading Together
South Asian Bar Association of Michigan
South Asian Bar Association of New York
South Asian Youth Action!
Vietnamese American Initiative for Development
Vietnamese American Young Leaders Association of New Orleans
YKASEC - Empowering the Korean American Community

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INTERESTS OF *AMICI CURIAE*

Non-parties Asian American Legal Defense and Education Fund ("AALDEF") and [others] (collectively, "*Amici Curiae*" or "*Amici*") are organizations that advocate on behalf of Asian American voters and have conducted voter registration drives, voter education events, and election protection activities on Election Day.[1]

In particular, AALDEF is a 35-year-old national civil rights organization based in New York City that promotes and protects the civil rights of Asian Americans through litigation, legal advocacy, and community education. AALDEF has monitored elections through annual multilingual exit poll surveys since 1988. AALDEF has collected valuable data that documents both the use of, and the continued need for, protection under the Voting Rights Act of 1965. In 2008, AALDEF expanded its survey and dispatched over 1,500 volunteers to 130 poll sites, covering 39 cities in 11 states. The survey, the largest of its kind, polled 16,665 Asian American voters. A significant component of

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[1] Counsel of record for Appellant and all Intervenor-Appellees have previously provided consent to the filing of this brief. Counsel for Appellee was timely notified of the intent to file this brief under S. Ct. R. 37.2(a) and has also consented to its filing; its consent letter has been filed with the Clerk of the Court. Counsel for *Amicus Curiae* AALDEF researched and drafted this brief with the advice and consent of all *amici*. No counsel for a party in this Court authored this brief, in whole or in part, and no party in this Court or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

AALDEF's mission is to ensure that Asian Americans have an equal opportunity to participate in the voting process.

Amici submit this brief in support of Appellee and Intervenor-Appellees to ensure that the discrimination Asian Americans face at the polls is accurately and fairly considered in determining whether Congress acted within the scope of its enforcement powers in reauthorizing Section 5 of the Voting Rights Act.[2]

SUMMARY OF ARGUMENT

Amici curiae submit this brief to highlight the discrimination faced by Asian Americans and the continuing need to uphold Section 5 of the Voting Rights Act to protect Asian Americans and their right to vote and participate on an equal basis in the political process. As Appellee and Intervenor-Appellees demonstrate, the contention advanced by Appellant Northwest Austin Municipal Utility District No. 1 – that Congress lacked sufficient evidence of racial discrimination in voting to justify the provision's intrusion upon state sovereignty when it extended Section 5 in 2006 – was correctly rejected by the District Court. Indeed, AALDEF submitted significant evidence to Congress in support of the reauthorization of the Voting Rights Act. In addition to the persuasive reasoning of the District Court, the Voting Rights Act has had (and continues to have) a deep impact on the

[2] Statements of interest for the other *amici* are included in the Appendix to this brief.

Asian American community, especially in light of the long history of racism and discrimination that Asian Americans have faced in this country. This brief serves to illuminate the Court on this valuable, but often omitted, perspective.

Justice requires society as a whole, and the Government in particular, to vigilantly safeguard the rights of its citizens to vote and participate in the democratic process. The impact of Section 5 on protecting the voting rights of Asian Americans is amply illustrated through the community's experiences in seeking language assistance at the polls, monitoring changes in poll sites, ensuring proper participation and representation in local elections, and scrutinizing redistricting efforts. Moreover, underlying societal discrimination against American citizens of Asian ancestry casts them as perpetual foreigners and immigrants. This misperception has become particularly worrisome as the country has become more hostile towards immigrants, leading to enduring discrimination at poll sites and negatively affecting the ability of Asian Americans to participate fully in the electoral process. Section 5 is a critical mechanism for combating these systemic problems.

Accordingly, this Court should affirm the judgment of the District Court, concluding that Section 5 of the Voting Rights Act continues to be necessary, and that Congress properly exercised its powers under the Reconstruction Amendments when it reauthorized the law. A ruling to the contrary would lead to an overturning of

Congress' deliberative fact-finding process, leaving Asian Americans without the necessary protections to exercise their right to vote.

ARGUMENT

I. Section 5 of the Voting Rights Act Protects the Voting Rights of Asian Americans

Section 5 of the Voting Rights Act of 1965 requires certain states and localities with a history of racial discrimination to obtain federal approval of changes in voting practices. Once a jurisdiction is covered, Section 5 requires that changes to any voting qualification, standard, practice, procedure, or redistricting plan be "precleared" by the U.S. Department of Justice ("DOJ") or the United States District Court for the District of Columbia before going into effect. *See* 42 U.S.C. § 1973c. To obtain preclearance, the jurisdiction must show that the proposed change does not have the purpose or effect of denying or abridging the right to vote because of race or color. *See id.* If preclearance is denied, then the change cannot be implemented. *See id.*

Section 5 has had an enormous impact on the ability of Asian Americans to fully exercise their right to vote. For example, in a covered jurisdiction such as New York City – the city with the nation's largest Asian American population – Section 5 has protected Asian Americans from discriminatory voting changes. *See* 28 C.F.R. part 51, App.; Jessica S. Barnes & Claudette E.

Bennett, U.S. Census Bureau, The Asian Population: 2000, at 7, Table 3 (2002), available at http://www.census.gov/prod/2002pubs/c2kbr01-16.pdf (last visited Mar. 20, 2009). The four most notable examples relate to (a) providing language assistance at the polls; (b) monitoring changes in poll sites; (c) ensuring proper Asian American participation and representation in local elections; and (d) scrutinizing redistricting efforts.[3]

A. Section 5 Helps Provide Asian Americans With Greater Access to Their Voting Rights, Particularly in Jurisdictions Covered By the Language Assistance Provisions of the Voting Rights Act

In reauthorizing Section 5 of the Voting Rights Act, the House Judiciary Committee reported on instances of discriminatory tactics and efforts on the part of local officials to keep covered language minority citizens from registering and casting effective ballots from many different jurisdictions. *See* H.R. Rep. No. 109-478, at 45 (2006). For example, in a number of states, language minority citizens were subject

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[3] Most of the examples and findings below pertain to New York City because that city is covered under Section 5. Moreover, New York City, with a sizeable Asian American population, *see* Barnes & Bennett, *supra*, at 7, is one of the few places in the country covered under both Section 5 and Section 203, the language assistance provisions of the Voting Rights Act.

to harassment by others who challenged their citizenship status solely on the basis of their surnames or ethnicity. *See* AALDEF, Asian American Access to Democracy in the 2004 Elections: Local Compliance with the Voting Rights Act and Help America Vote Act (HAVA) in NY, NJ, MA, RI, MI, IL, PA, VA 15-16 (2005), available at http://www.aaldef.org/articles/2005-08-18_189_ AsianAmericanA.pdf (last visited Mar. 6, 2009); *see also* Robert Kengle, Voting Rights in Georgia: 1982-2006 (Mar. 2006), available at http://www.civilrights.org/voting-rights/vra/states/GeorgiaVRA.pdf (last visited Mar. 20, 2009).

Section 5 has had its greatest influence on the ability of Asian Americans to participate in the political process in the context of providing language assistance at the polls. Section 203 of the Voting Rights Act requires covered jurisdictions to provide translated ballots and voting materials, as well as oral language assistance, for voters who are limited English proficient. *See* 42 U.S.C. § 1973aa-1a(c). Section 5 requires that any plans to comply with Section 203, or changes to current practices to comply with that section, must be precleared. *See* 42 U.S.C. § 1973b(f)(3-4) (applying Section 5 coverage trigger to language assistance obligations). Interested individuals and community groups may review the submission and provide comments during the preclearance period. *See* 28 C.F.R. § 51.29.

When jurisdictions are covered under both Section 5 and 203 for Asian language assistance – such as New York and Kings Counties in New York City and Harris County, Texas – the two provisions together have been powerful tools to ensure that language minorities have full access to political participation. Section 203 provides for language assistance; Section 5 enforces Section 203 so as to ensure that any changes to the provision of language assistance are not retrogressive.

For example, Section 5 played a pivotal role in shaping the Chinese Language Assistance Program in New York, which was first adopted after the city gained coverage under Section 203 in 1992. Limited English proficient Chinese-American voters typically know the candidates by their transliterated names. These names appear in Asian-language media outlets, advertising, public notices, and campaign literature. *See* AALDEF, The Asian American Vote, A Report of the AALDEF Multilingual Exit Poll in the 2004 Presidential Election 12 (2005) (finding that more than a third (35%) of Asian American voters turned to ethnic media outlets in Asian languages for their main source of news about politics and community issues), available at http://www.aaldef.org/articles/2005-04-20_67_TheAsianAmeric.pdf (last visited Mar. 6, 2009). In the 1994 election cycle, community groups pressed for fully translated ballots that included the transliteration of the candidates' names in Chinese. Ultimately, the denial of preclearance of the New York City Board of Election's language

assistance program under Section 5 is precisely what forced the Board to provide fully translated ballots. Section 5's comment and preclearance process gave community groups and individuals the valuable opportunity to shape the nature and scope of meaningful language assistance programs. *See* Voting Rights Act: Section 203-Bilingual Election Requirements, Part I Before the House Subcomm. on the Const., House Judiciary Comm., 109th Cong. 19 (2005) (statement of Margaret Fung, AALDEF, Exec. Dir.); *see also* Letter from D. Patrick, U.S. Dep't of Justice to K. King, Gen. Counsel, New York City Bd. of Elections (May 13, 1994) (denying preclearance; on file with counsel).

The interaction between Section 5 and 203 also became evident after the 2000 Census in the provision of language assistance. The census reported a sixty-six percent (66%) growth in the Asian American population in New York. *See* Barnes & Bennett, *supra*, at 5, Table 2. Commensurate with this growth, the number of poll sites and election districts targeted to provide language assistance significantly increased. *See* AALDEF, Asian Americans and the Voting Rights Act: The Case for Reauthorization 42-43 (2006) (hereinafter, "AALDEF Report") (submitted to Congress and available at http://www.aaldef.org/articles/2006-06-13_137_AALDEFReleases.pdf (last visited Mar. 6, 2009)).

Despite this population growth, the Board tried to curtail its language assistance program by proposing a change in its targeting formula.

The Board sought to change its methodology for targeting language assistance at certain poll sites, resulting in the removal of Chinese language assistance at nearly 70 poll sites in heavily populated neighborhoods. The change would also remove 16 sites for Korean language assistance. *See* AALDEF Report at 43. In response, AALDEF submitted comments in opposition to preclearance under Section 5, arguing that the change was retrogressive. *See* Letter from G. Magpantay, AALDEF Staff Attorney to J. Rich, U.S. Dep't of Justice (Oct. 17, 2003) (submitted to Congress with AALDEF Report and on file with counsel).

In deciding whether to interpose an objection, the DOJ sent the Board a "more information" request letter, asking for more detailed information to refute AALDEF's contentions. It also gave the city another opportunity to demonstrate that the change would not place Asian Americans in a worse position to exercise their right to vote. Upon receiving the city's response, along with AALDEF's opposition letter, the Board withdrew its submission to change the targeting formula. *See* AALDEF Report at 43. Only because of Section 5 was Section 203 fully implemented in New York City.

B. Section 5 Ensures that Changes to Poll Sites Do Not Infringe on Asian Americans' Right to Vote

Changes to poll sites are disruptive to the ability of Asian Americans to vote. In every election that AALDEF has monitored in New York City, the Board has failed to take reasonable steps to ensure that Asian American voters are informed of their correct poll sites. Voters have been misinformed about their poll sites before the elections or misdirected by poll workers at poll sites on Election Day. Section 5 has helped to minimize these disruptions.

The preclearance requirement serves an important and mandatory public notice function: Any changes to the locations of designated poll sites must be submitted for preclearance, and, once submitted, the Attorney General must notify interested individuals and groups of the proposed submission, as well as provide copies of detailed submissions to groups who request the information. *See* 28 C.F.R. §§ 51.32, 51.33. Experience has shown that Section 5 has prevented sudden poll sites closures in Asian American neighborhoods that would otherwise have been made without any notice to the community. Even in emergencies, poll site changes, absent notice, constitute violations of Section 5. *See* AALDEF Report at 41.

For example, in 2001, the primary elections were scheduled for September 11, but were cancelled due to the attacks on the World Trade

Center and rescheduled for September 25. The week before the rescheduled primaries, AALDEF discovered that a certain poll site, I.S. 131, a high school located in the heart of Chinatown and within the restricted zone in lower Manhattan, was being used by the Federal Emergency Management Agency for services related to the World Trade Center disaster. The Board chose to close down the poll site, but failed to inform voters of the change. The Board managed, however, to submit the proposed change to the DOJ for preclearance under Section 5. *See id.*

AALDEF filed oral comments with the DOJ urging for an objection because no notice had been given to voters. The Board provided no media announcement to the Asian language newspapers, made no attempts to send out a mailing to voters, and failed to arrange to place signs or poll workers at the site to redirect voters to other poll sites. In fact, no consideration at all was made for the fact that the majority of voters at this site were limited English proficient, and that the site had been targeted for Asian language assistance under Section 203. AALDEF contended that the Board should have considered placing bilingual poll workers and translated signs at the poll site directing voters to alternate poll sites. *See id.*

Thereafter, the DOJ issued an objection and informed the Board that the change could not take effect. The elections subsequently took place as originally planned at I.S. 131, and hundreds of votes were cast on September 25. *See id.*

Without Section 5, those voters would undoubtedly have lost their right to vote.

C. Section 5 Prevents Retrogressive Effects on Asian American Voting Power

Before 2001, in New York City, the only electoral success for Asian Americans was on local community school boards. In each election – in 1993, 1996, and 1999 – Asian American candidates ran for the school board and won. *See* Lynette Holloway, "This Just In: May 18 School Board Election Results," N.Y. Times (June 13, 1999); Jacques Steinberg, "School Board Election Results," N.Y. Times (June 23, 1996); Sam Dillon, "Ethnic Shifts Are Revealed in Voting for Schools," N.Y. Times (May 20, 1993). These remarkable gains stood, at the time, in stark contrast to the total absence of Asian Americans in the City Council, State Legislature, or Congress, despite a city-wide population of over 800,000 Asian Americans. *See* Nicole Bode, "Asians Rip Redistricting Group Says New Boundaries Would Sap Voting Strength," N.Y. Daily News (Feb. 20, 2002); Jim O'Grady, "Asian Americans Diving Gracefully Into Political Water," N.Y. Times (May 6, 2001).

The school boards used an alternative voting system known as "single transferable voting" or "preference voting." Instead of selecting one representative from single-member districts, voters ranked candidates in order of preference, from "1" to "9." *See* Thomas T. Mackie

& Richard Rose, The International Almanac of Electoral History 508 (3d ed. 1991). In 1998, New York opted to change the voting system from "preference voting," in which voters ranked their choices, to a different system of "limited voting," where voters could select only four candidates for the nine-member board, and the nine candidates with the highest number of votes were elected. *See* 1998 N. Y. Sess. Laws 569-70 (McKinney).

This voting change was submitted to the DOJ for preclearance. AALDEF submitted comments to the DOJ in opposition to the change and urged denial of preclearance because Asian American voters would be in a worse position to elect candidates of their choice. *See* Letter from M. Fung, AALDEF Exec. Dir., and T. Sinha, AALDEF Staff Attorney to E. Johnson, U.S. Dep't of Justice (Oct. 8, 1998) (submitted to Congress with AALDEF Report and on file with counsel). The DOJ, using its authority under Section 5, interposed an objection and prevented the voting change from taking effect. *See* Voting Rights Act: Section 5 of the Act-History, Scope, and Purpose, Hearing Before the House Subcomm. on the Const., House Judiciary Comm., 109th Cong. 1664-66 (2005) (appendix to statement of the Honorable Bradley J. Schlozman, U.S. Dept. of Justice) (providing Section 5 objection letter to Board and summarizing changes made to the voting methods, along with overall objections to the changes).

D. Section 5 is an Effective Tool in Ensuring that Asian Americans Are Not Discriminated Against In Redistricting Plans

Finally, Section 5 has also been used by Asian Americans to comment on redistricting plans. After the 1990 and 2000 Censuses, AALDEF, along with many community groups, submitted comments under Section 5 on the redistricting plans for the New York City Council and New York State Legislature. *See* AALDEF Report, App. O thereto. AALDEF asserted that Asian American neighborhoods should be kept within a single district, documenting political cohesion among Asian American voters and the presence of communities of interest within certain districts. AALDEF also objected to proposed city council redistricting plans that would have joined Manhattan's Chinatown, where mostly lower-income Chinese reside, with the heavily white, upscale neighborhoods of Soho, Tribeca and Battery Park City. *See* Letter from M. Fung, AALDEF Exec. Dir., *et al.* to J. Rich, U.S. Dep't of Justice (Apr. 29, 2003) (submitted to Congress with AALDEF Report and on file with counsel).

Section 5 provided the mechanism for Asian Americans to comment on voting changes that would deny them a meaningful opportunity to elect candidates of their choice. Without this opportunity to participate in and scrutinize the redistricting process, the Asian American voice would be largely ignored, leading to disenfranchising consequences at the polls.

In short, Section 5 is a critical component of the Voting Rights Act, allowing Asian Americans full access to voting and affording them a powerful tool to fight efforts to quiet their voices. There is little doubt that Asian Americans would be denied opportunities to participate equally in the electoral process without the protections afforded under Section 5. This Court should affirm Congress' determination that Section 5 remains necessary to protect voters in minority populations.

II. Asian Americans Continue To Face Historical Discrimination, Thus Supporting Congress' Reauthorization of Section 5

Since the Voting Rights Act was first enacted, Asian Americans have made some gains in electoral representation. According to a 2005 study, approximately seventy-five percent (75%) "of Asian American elected officials were from jurisdictions covered by Section 203 provisions or in combination with other provisions," including Section 5 of the Voting Rights Act. *See* Carol Hardy-Fanta, Christine Marie Sierra, Pei-te Lien, Dianne M. Pinderhughes, Wartyna L. Davis, Race Gender and Descriptive Representation: An Exploratory View of Multicultural Elected Leadership in the United States, September 4, 2005, at 17, available at http://www.gmcl.org/pdf/APSA9-05-05.pdf (last visited Mar. 20, 2009). However, in reauthorizing Section 5, Congress also found that the number of Asian Americans elected to office "has failed to keep pace with [the]

population growth" of that community. H.R. Rep. No. 109-478, at 33.[4]

While some progress has undeniably been made, Asian Americans still face overt racial discrimination at the polls when attempting to exercise their right to vote, such as hostile and unwelcoming poll workers, as well as outright challenges to their right to vote based on race. Moreover, societal discrimination and the misperception of Asian Americans as perpetual foreigners and immigrants, coupled with historical *de jure* racism against Asian Americans, only reinforce the need to safeguard the voting rights of this minority group. *See generally* Frank Wu, Yellow: Race in American Beyond Black and White (Basic Books 2001).

Because Asian Americans bear the discrimination and misperceptions directed at them when they enter the poll sites, Section 5 is necessary to ensure that their voting rights are fully protected. Notably, this Court set forth in *Thornburg v. Gingles* that "typical factors" probative of a violation under the non-discrimination provisions of the Voting Rights Act include (1) "the extent to which the members of the minority group in the state or political subdivision bear the effects of discrimination in

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[4] "For example, the number of Asian American elected officials has increased from 120 in 1978 to 346 in 2004. However, as of 2004, there were twelve million Asian Americans residing in the United States compared to the 1.2 million Asian Americans who resided in 1970." *Id.* at 33-34.

such areas as education, employment and health, which hinder their ability to participate effectively in the political process" and (2) "whether political campaigns have been characterized by overt or subtle racial appeals." 478 U.S. 30, 36-37 (1986). Thus, facts probative of a violation under those provisions are relevant to, and inform the analysis under, the Section 5 enforcement provisions.

Discrimination against American citizens of Asian ancestry carries grave societal consequences, compelling Asian Americans to continue "bear[ing] the effects of discrimination" that "hinder their ability to participate effectively in the political process." *Id.* at 37. It also reinforces negative stereotypes about the group and may ultimately encourage hate crimes and racial violence, as well as facilitate the adoption of anti-immigrant laws and policies.

Renewed anti-immigrant sentiment – some of it directed at American citizens of Asian ancestry – also re-emphasizes the need to protect the voting rights of this minority group through Section 5. *See* Views on the 2006 Reauthorization of the Voting Rights Act: When the Voting Rights Act Became Un-American: The Misguided Vilification of Section 203, 58 Ala. L. Rev. 377, 382 (2006). In particular, Asian Americans are perceived as perpetual foreigners or immigrants and not "American," regardless of their true status. *See, e.g.*, Keith Aoki, "Foreignness" & Asian American Identities: Yellowface, World

War II Propaganda, and Bifurcated Racial Stereotypes, 4 Asian Pac. Am. L.J. 1, 9-13 (1996).

History is replete with examples of discrimination and anti-immigrant sentiment directed towards Asian Americans. For example, legislative efforts have limited the Asian American community's access to this country's borders. *See, e.g.*, Philippine Independence Act of 1934, ch. 84, 48 Stat. 456, 462 (imposing annual quota of fifty Filipino immigrants; amended 1946); Immigration Act of 1924, ch. 190, 43 Stat. 153 (denying entry to virtually all Asians; repealed 1952); Immigration Act of 1917, ch. 29, 39 Stat. 874, 874-98 (banning immigration from almost all countries in the Asia-Pacific region; repealed 1952); Scott Act of 1888, ch. 1064, 1, 25 Stat. 504, 504 (rendering 20,000 Chinese re-entry certificates null and void); Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58, 58-61 (prohibiting immigration of Chinese laborers; repealed 1943); Naturalization Act of 1790, ch. 3, 1 Stat. 103 (providing one of the first laws to limit naturalization to aliens who were "free white persons" and thus, in effect, excluding African-Americans, and later, Asian Americans; repealed 1795).

Asian Americans have also suffered from a long history of *de jure* discrimination. *See, e.g.*, *Terrace v. Thompson*, 263 U.S. 197 (1923) (upholding Alien Land Laws that effectively precluded Asians from owning land); *Ozawa v. United States*, 260 U.S. 178 (1922) (holding that Japanese are ineligible for naturalized

citizenship); Cable Act of 1922, ch. 411, 46 Stat. 1021, 1021-1022 (mandating that any American female citizen who marries "an alien ineligible to citizenship" would lose her own citizenship); Exec. Order No. 589 (Mar. 14, 1907) (prohibiting Japanese and Korean citizens with passports issued by the Government of Japan to go to Hawaii, Mexico, or Canada to re-emigrate to the U.S.; repealed by Exec. Order No. 10009, 13 Fed. Reg. 6104 (Oct. 18, 1948)); Cal. Civ. Code § 60 (1905) (prohibiting issuing of licenses for marriages between whites and "Mongolians"); *United States v. Wong Kim Ark*, 169 U.S. 649 (1898) (considering whether an American-born person of Chinese ancestry could be denied U.S. citizenship and excluded from the country); *Fong Yue Ting v. United States*, 149 U.S. 698 (1893) (upholding constitutionality of the Geary Act of 1892, ch. 60, 4, 27 Stat. 25, which renewed the exclusion of Chinese laborers for another ten years and required all Chinese to register); *Chae Chan Ping v. United States*, 130 U.S. 581 (1889) (upholding constitutionality of Chinese exclusion laws); Cal. Const. of 1879, art. XIX, § 2 (excluding Chinese immigrants from sectors such as corporations and public works); *In re Ah Yup*, 1 F. Cas. 223 (C.C. Cal. 1878) (holding that a native of China is not entitled to become a citizen of the United States); Chinese Police Tax of 1862, ch. 339, 1862 Cal. Stat. 462 (requiring Chinese mine workers to pay a police tax; repealed 1939); *People v. Hall*, 4 Cal. 399 (Sup. Ct. 1854) (establishing that Chinese-Americans and Chinese immigrants had no rights to testify against white persons in court).

Asian Americans further "bear the effects of discrimination in such areas as education [and] employment." *Gingles*, 478 U.S. at 36-37. *See, e.g.*, *Lau v. Nichols*, 414 U.S. 563 (1974) (holding that the lack of educational services in Chinese effectively denied Chinese students equal educational opportunities on the basis of their ethnicity in violation of Title VI of the Civil Rights Act of 1964); Stacey J. Lee & Kevin K. Kumashiro, Nat'l Educ. Assoc., A Report on the Status of Asian Americans and Pacific Islanders in Education: Beyond the "Model Minority" Stereotype (2005) (discussing education discrimination faced by Asian Americans); Vanessa Leung, The Coalition for Asian Am. Children and Families, Hidden in Plain View: An Overview of the Needs of Asian Am. Students in the Public School System 18 (2004) (same; citing Bd. of Educ. of the City of New York, Office of English Language Learners, Facts & Figures 2000-2001); Fed. Glass Ceiling Comm'n, Good for Business: Making Full Use of the Nation's Human Capital (1995) (discussing employment discrimination faced by Asian Americans, among other groups). This discrimination in education and employment negatively affects the ability of Asian Americans to fully exercise their right to vote. *Cf. White v. Regester*, 412 U.S. 755, 765-70 (1973) (holding that disestablishment of the multi-member districts in certain counties was warranted in light of the history of political discrimination against African-Americans and Mexican-Americans residing in those counties and the residual effects of such discrimination upon those groups).

Perhaps one of the most poignant examples of anti-Asian discrimination was the internment of approximately 120,000 Americans of Japanese ancestry during World War II without the right to notice of charges, the right to attorneys, or the right to a trial. *See* Exec. Order 9066, 7 Fed. Reg. 1407 (Feb. 19, 1942) (authorizing the internment); *see also Korematsu v. United States*, 323 U.S. 214 (1944) (upholding the internment under strict scrutiny review). White immigrant groups whose home countries were also at war with the United States were not similarly detained because they did not seem as "foreign" as the Japanese, in that they did not threaten the existence of a white national identity or its security. *See* Terri Yuh-lin Chen, Hate Violence as Border Patrol: An Asian American Theory of Hate Violence, 7 Asian L.J. 69, 80 (2000).

Most recently, after the attacks of September 11, 2001, people of South Asian descent have become targets of countless hate crimes and incidents of racial profiling across the country. *See, e.g.*, Darryl Fears, "Hate Crimes Against Arabs Surge, FBI Finds," Wash. Post (Nov. 26, 2002), at A2 (noting that the FBI recorded 481 post-9/11 attacks against, among others, South Asian Sikhs, representing over a 1,500 percentage increase in hate crimes). Here, too, courts are noting that, "[s]ince the terrorist attacks of September 11, 2001, this country has struggled to meet the stringent demands of national security and, simultaneously, to protect the civil rights of the American people." *Alshrafi*

v. Am. Airlines Inc., 321 F. Supp. 2d 150, 152 (D. Mass. 2004).

Anti-Asian discrimination resonates with segments of society ready to take action to defend their way of life from being destroyed by "foreigners." Indeed, numerous hate crimes have been directed against Asian Americans either because of their minority group status or because they are perceived as unwanted immigrants. *See, e.g.*, "Girl's Bloody Beating; Driver Does Nothing As Teens Attack Her On Bus," N.Y. Post (Mar. 18, 2007) (a female Asian American Catholic high school student was brutally punched, kicked, and teased for looking "Chinese" by a gang of youths while riding a city bus home from school); "Arsonist Avoids Jail In Church Van Blaze," N.Y. Daily News (Aug. 5, 2004) (a man was charged with allegedly setting fire to a van bearing Korean lettering because he hated Asian immigrants); "3 Indians Attacked on Street And the Police Call It Bias," N.Y. Times (Aug. 6, 2003) (three white men allegedly attacked three Sikhs while yelling "Bin Laden family! Go back to your country!").

In a national poll of legal immigrants from Latin America, Asia, Africa, and Europe, who numbered around 14 million Americans in 2006, a majority felt the anti-immigrant sentiment was growing in America and that anti-immigrant sentiment had detrimentally affected their families. *See* New America Media, Legal Immigrants: A Voice of Reason in the Immigration Debate 3 (2006), available at http://

media.newamericamedia.org/images/polls/imm_poll/Immigration_exec_summary.pdf (last visited Mar. 20, 2009). Indeed, AALDEF's multilingual exit poll in 2006 also found that thirty percent (30%) of respondents said that they or members of their family had been affected by anti-immigrant sentiment either at work, at school, or in public locations. *See* AALDEF, The Asian American Vote in the 2006 Midterm Elections: NY, NJ, MA, MI, PA, MD, VA, IL, WA, DC 12 (2007), available at http://www.aaldef.org/docs/AALDEF2006ExitPollReportMay2007.pdf (last visited Mar. 20, 2009).

It is difficult to imagine that the stigma, stereotyping, and bias that American citizens of Asian ancestry endure in society would cease to exist once they enter the poll site to vote. Indeed, political campaigns have resorted to "overt or subtle racial appeals" in an effort to affect electoral outcomes. *Gingles*, 478 U.S. at 37. Specifically, they have used xenophobic tactics to marginalize and stereotype Asian Americans as foreigners. Asian Americans make easy targets in political campaigns because they are clothed with the label of "immigrant" or "foreigner" simply by their appearance. Such actions are undeniably probative of potential violations under the Voting Rights Act.

For example, in the 2004 primary elections in Bayou LaBatre, Alabama (a Section 5 covered jurisdiction), supporters of a white incumbent running against a Vietnamese-American candidate made a concerted effort to intimidate

Asian American voters. The supporters challenged Asian Americans at the polls, falsely accusing them of not being U.S. citizens or city residents, or of having felony convictions. *See* H.R. Rep. No. 109-478, at 45 ("In Alabama, Asian American voters attempting to vote in an election with an Asian American candidate were harassed and threatened by supporters of an opposing candidate in polling locations in Bayou La Batre."). The challenged voters had to complete a paper ballot and have that ballot vouched for by a registered voter. The DOJ investigated the allegations and found them to be racially motivated. *See id.*; *see also* DOJ Press Release, "Justice Department to Monitor Elections in New York, Washington, and Alabama" (Sept. 13, 2004) ("In Bayou La Batre, Alabama, the Department will monitor the treatment of Vietnamese-American voters."), available at http://www.usdoj.gov/opa/pr/2004/September/04_crt_615.htm (last visited Mar. 20, 2009). As a result, the challengers were prohibited from interfering in the general election, and the city, for the first time, elected an Asian American to the City Council. *See* DeWayne Wickham, "Why Renew Voting Rights Act? Ala. Town Provides Answer," USA Today (Feb. 22, 2006).[5]

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[5] Counsel notes that the Governor of Alabama has submitted an *amicus* brief in support of neither party, in which he relates the purported progress in his state with regards to African-Americans. Nowhere in that brief does he address the incident described above or any advances made with respect to Asian Americans.

Additionally, in the 2004 U.S. Senate race in Virginia (a Section 5 covered jurisdiction), incumbent George Allen, at a campaign rally in southwest Virginia, repeatedly called a South Asian volunteer for the Democrat challenger a "macaca" – a racial epithet used to describe Arabs or North Africans, which literally means "monkey" – and then began talking about the "war on terror." *See* "Allen Quip Provokes Outrage, Apology," Wash. Post (Aug. 15, 2006).

These incidents of discrimination and racism can penetrate into the voting booth where the perception that American citizens of Asian ancestry are foreigners or immigrants has the real effect of denying them full participation in the electoral process. For example, in 2004 in New York, poll workers racially profiled Asian American voters and required them to provide naturalization certificates before they could vote. At another poll site, a police officer required all Asian American voters to show photo identification before they could vote. Photo identification is not required to vote in New York elections, but if voters could not produce such identification, the officer turned them away from the polls and told them to go home. *See* Continuing Need for Section 203's Provisions for Limited English Proficient Voters, Hearing Before the House Judiciary Comm., 109th Cong. 37 (2006) (testimony of Margaret Fung, AALDEF, Exec. Dir.); Letter from G. Magpantay, AALDEF Staff Attorney to J. Ravitz, Exec. Dir., New York City Bd. of Elections (June 16, 2005) (submitted

to Congress with AALDEF Report and on file with counsel).

The overt racial appeals and discrimination during the course of political campaigns and elections impinge upon the ability of Asian Americans to freely and fully exercise their right to vote because they compel Asian Americans to "bear the effects of discrimination" and "hinder their ability to participate effectively in the political process." *Gingles*, 478 U.S. at 37. They have created an environment of fear and resentment towards Asian Americans, many of whom are perceived as foreigners based on their physical attributes. This perception, coupled with the growing sentiment that foreigners are destroying or injuring the country, jeopardizes Asian Americans' ability to exercise their right to vote free of harassment and discrimination.

In sum, Section 5 has proven to be an effective tool in protecting Asian American voters against a host of actions that threatened to curtail their voting rights. In particular, American citizens of Asian ancestry have been targeted as foreigners and unwanted immigrants. These perceptions have real consequences for the ability of Asian Americans to fully participate in the electoral and political process. Congress properly reauthorized Section 5 after a deliberative fact-finding process and with awareness of the important functions that it serves for minority communities.

CONCLUSION

For the foregoing reasons and the reasons presented by Appellee and Intervenor-Appellees, the judgment of the United States District Court for the District of Columbia should be affirmed.

Respectfully submitted,

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APPENDIX

APPENDIX

STATEMENTS OF INTEREST OF *AMICI*

American Citizens for Justice

The American Citizens for Justice (ACJ) is a nonprofit organization dedicated to serving the Asian Pacific American communities of Metro Detroit, Michigan, and the Midwest and to advocate for the civil rights of all Americans. ACJ conducted poll monitoring/exit polling during the 2008 election.

Asian American Bar Association of Greater Chicago

The Asian American Bar Association of the Greater Chicago Area (AABA) serves not only the interests of its members, but also the community from which many of its members came. AABA has continually reaffirmed its commitment to that belief and has grown to more than 400 members and associates. From increasing awareness among elected officials on issues of importance to the Asian American community, to documenting the need for increased representation in all areas of the profession including the judiciary, to serving the legal needs of the community by supporting non-for-profit organizations, AABA has strived to serve Chicagoland's Asian American attorneys and community. AABA conducted poll monitoring/exit polling during the 2008 election.

Asian American Bar Association of New York

The Asian American Bar Association of New York (AABANY) is a membership organization of attorneys, judges, law professors, legal professionals, legal assistants or paralegals, and law students concerned with issues affecting the Asian Pacific American community. AABANY works to advocate for the Asian Pacific American community and seeks to improve the study and practice of law, and the fair administration of justice for all by ensuring the meaningful participation of Asian Americans in the legal profession. AABANY is the regional affiliate of the National Asian Pacific American Bar Association. AABANY conducted poll monitoring/exit polling during the 2008 election.

Asian American Lawyers Association of Massachusetts

The Asian American Lawyers Association of Massachusetts is a non-partisan, non-profit organization of over two hundred Asian American lawyers, judges, law professors, and law students. AALAM's mission is to promote and enhance the Asian American legal profession by furthering and encouraging professional interaction and the exchange of ideas among its members and with other individuals, groups, and organizations. AALAM also strives to improve and facilitate the administration of law and justice. AALAM is a member organization of the National Asian Pacific American Bar Association. AALAM

conducted poll monitoring/exit polling during the 2008 election.

Asian American LEAD

AALEAD's overarching goal is to increase the opportunities and ability of low-income Asian American children to move out of poverty and become successful, self-sufficient adults. AALEAD firmly believes that education is the key to meeting this goal. However, AALEAD understands that children need additional family, school, and personal supports, not just academic assistance, to succeed. Consequently, AALEAD uses a five-pronged approach to youth development, offering each child after school intervention in a safe space, mentoring, family support and educational advocacy. AALEAD conducted poll monitoring/exit polling during the 2008 election.

Asian American Society of Central Virginia

Asian American Society of Central Virginia (AASoCV), a non-profit charitable organization 501(c)(3) established in 1998, strives to represent the concerns of over 30,000 Asian Americans who live in Central Virginia. AASoCV's goal is to promote unity, harmony and diversity in Central Virginia. AASoCV conducted poll monitoring/exit polling during the 2008 election.

Asian Community Development Corporation of Boston

The Asian Community Development Corporation, a community-based organization, is committed to high standards of performance and integrity in serving the Asian American community of Greater Boston, with an emphasis on preserving and revitalizing Boston's Chinatown. The Corporation develops physical community assets, including affordable housing for rental and ownership; promotes economic development; fosters leadership development; builds capacity within the community; and advocates on behalf of the community. The Corporation conducted poll monitoring/exit polling during the 2008 election.

Asian Pacific American Agenda Coalition

The Asian Pacific American Agenda Coalition is a coalition of organizations and individuals who have come together to identify and to move forward a common agenda that addresses the needs of the Asian Pacific American communities in Massachusetts. Their mission is to promote and foster the development of Asian Pacific Americans and to ensure their full and equal participation in the social, economic, and political lives of their communities. The Asian Pacific American Agenda Coalition conducted poll monitoring/exit polling during the 2008 election.

Asian Pacific American Bar Association of the Greater Washington, DC Area

The Asian Pacific American Bar Association of the Greater Washington, DC Area is an organization of attorneys, judges, law professors, law students, and other legal professionals dedicated to the advancement of Asian Pacific Americans. APABA-DC is the oldest and largest association of Asian Pacific American attorneys in the Washington, DC area. APABA-DC is an affiliate chapter of the National Asian Pacific American Bar Association. APABA-DC conducted poll monitoring/exit polling during the 2008 election.

Asian Pacific American Bar Association of Pennsylvania

The Asian Pacific American Bar Association of Pennsylvania is a non-profit organization founded in 1984 to serve a wide network of Asian Pacific American attorneys admitted or practicing in Pennsylvania, Northern Delaware and Southern New Jersey. The APABA-PA is dedicated to the advancement of its members and the Asian American Community. APABA-PA also educates its members about issues critical to Asian Pacific Americans and advances the interests of Asian Pacific American attorneys as well as the interests of the local community. APABA-PA has previously worked with AALDEF in monitoring elections and in conducting its exit poll of Asian American voters.

APABA-PA conducted poll monitoring/exit polling during the 2008 election.

Asian Pacific American Labor Alliance

The Asian Pacific American Labor Alliance (APALA), AFL-CIO, is the first and only national organization of Asian Pacific American (APA) union members. Over 600,000 APA workers have joined unions and are seeking better pay, improved benefits, dignity on the job, and a voice in the workplace. Backed with strong support of the AFL-CIO, APALA has 11 chapters and pre-chapters and a national office in Washington, D.C. In 2006, APALA educated, registered, and mobilized voters in Nevada, Michigan, Washington, California, Hawaii, District of Columbia, Maryland, and Texas. APALA was again active in 2008 with educating, registering, and mobilizing voters, including conducting poll monitoring/exit polling during the 2008 election.

Asian Pacific American Legal Resource Center

The Asian Pacific American Legal Resource Center (APALRC) is the Capital Region's nonprofit advocate advancing the legal and civil rights of Asian Pacific Americans through direct services, education, and advocacy. The APALRC serves the individual legal needs of low-income and limited-English proficient Asian Pacific Americans and advocates for broad-based systemic change on legal and civil rights issues impacting Asian Pacific Americans. APALRC is committed to ensuring that Asian Pacific

Americans are able to vote, unencumbered by barriers including language access and inaccessible poll sites. APALRC has conducted poll monitoring and exit polling in Virginia during the 2004 election and in Virginia, Washington DC, and Maryland during the 2006 and 2008 elections. Through APALRC's poll watching and exit polling, APALRC has documented the difficulties that place unwarranted burdens upon Asian Pacific American voters. APALRC thus supports ensuring the right to vote of Asian Pacific Americans through Section 5 of the Voting Rights Act.

Asian Pacific Islander American Vote

Asian and Pacific Islander American Vote (APIAVote) is a national nonpartisan, nonprofit organization that encourages and promotes civic participation of Asian Pacific Islander Americans in the electoral and public policy processes at the national, state and local levels. APIAVote envisions a society in which all Asian Pacific Islander Americans fully participate in and have access to the democratic process. APIAVote conducted poll monitoring/exit polling during the 2008 election.

Cambodian Association of Greater Philadelphia

The Cambodian Association of Greater Philadelphia, Inc. seeks to improve the quality of life of Cambodian Americans within the greater Philadelphia area through direct services,

advocacy, and cultural awareness. Since its inception, CAGP has developed and implemented many social, educational, and cultural programs helping Cambodian American families become self-sufficient. CAGP conducted poll monitoring/exit polling during the 2006 and 2008 elections.

Chinese American Voters Association

The Chinese American Voters Association (CAVA) is a non-profit organization established to advance the political awareness and voter education of Chinese Americans in New York. CAVA has sponsored numerous events and provided community services such as voter education literature, publication of newsletters, voter registration drives, political forums, polling site assistance, and other voter education programs. CAVA conducted poll monitoring/exit polling during the 2008 election.

Chinese Progressive Association

The Chinese Progressive Association is a grassroots community organization working for full equality and empowerment of the Chinese community in the Greater Boston area. CPA seeks to address the issues affecting Chinese Americans from improving the living and working conditions to increasing political empowerment and voter education within the community. CPA conducted poll monitoring/exit polling during the 2008 election.

Coalition of Asian Pacific Americans of Virginia

The Coalition of Asian Pacific Americans of Virginia aims to unify the Asian and Pacific Islander community to have an organized voice throughout the Commonwealth of Virginia. They seek to promote active participation of Asian and Pacific Americans in the policy arena and support community-organizing efforts. CAPAVA also supports and defends equal rights and opportunities for all Asian and Pacific Americans. CAPAVA preserves the voting rights of all Asian Americans by participating in poll monitoring/exit polling during elections. CAPAVA conducted poll monitoring/exit polling during the 2008 election.

Filipino American Human Services, Inc.

FAHSI is a community-based, non-profit organization dedicated to improving the social conditions and enhancing the self-reliance of the Filipino and Filipino American communities of New York City. FAHSI's vision is an empowered Filipino American community with a strong sense of identity and commitment to civic participation. FAHSI serves marginalized segments of the community, particularly the elderly, youth, women and recent immigrants. FAHSI assisted in conducting poll monitoring/exit polling during the 2006 and 2008 elections.

Korean American League for Civic Action

The Korean American League for Civic Action is a leading non-partisan, advocacy organization dedicated to promoting the civic

participation of Korean Americans and Asian Pacific Americans in New York. KALCA aims to improve civil society and American democracy with a more engaged electorate and they work to encourage greater participation by the Korean American and Asian Pacific American communities with community outreach, voter education, and voter registration drives. KALCA has conducted poll monitoring/exit polling in New York and New Jersey for the past several elections, including the 2008 election.

Korean American Resource & Cultural Center

Korean American Resource & Cultural Center, the Chicago affiliate of the National Korean American Service & Education Consortium, aims to empower the Korean American community through education, social service, organizing/advocacy and culture. Serving the Korean American community of greater Chicago, the organization strives to resolve issues facing the growing Korean American community. KRCC has conducted poll monitoring/exit polling for the past several elections, including the 2008 election.

Korean American Voters' Council of NY & NJ

The Korean American Voters' Council of New York & New Jersey is a coalition of organizations and individuals working to create greater civic participation in the Korean American community. KAVC conducted voter registration drives, translated and published

voters' handbooks, and held seminars about political candidates and issues. KAVC has also operated voter hotlines in Korean and assisted voters at poll sites. KAVC has conducted poll monitoring/exit polling for the past several elections, including the 2008 election.

Korean Community Service Center of Greater Washington, DC

KCSC's mission is to assist and empower Asian Americans and new immigrants to become well-adjusted and fully contributing members of the United States through social services, education, advocacy, and development of resources. KCSC conducted poll monitoring/exit polling during the 2008 election.

Maryland Vietnamese Mutual Association

MVMA's mission is to serve, support, and advance the Vietnamese American community. While MVMA's special commitment is to advocate for the cause of Vietnamese Americans, it serves all immigrant communities. MVMA's vision is to build a strong, unified, and caring Vietnamese American community, where young people, adults and elders are engaged and contributing citizens through continuing educational, social and economic advancement, while maintaining their cultural heritage. MVMA is involved with educating and mobilizing voters in the Vietnamese community especially those with language access needs. MVMA conducted poll monitoring/exit polling during the 2008 election.

MassVOTE

MassVOTE (The Massachusetts Voter Education Network) is a non-partisan voting rights organization whose urban voter mobilization model works with non-profit organizations to increase voter education and turnout. In addition, MassVOTE's electoral reform agenda seeks to eliminate voter participation barriers, especially among communities of color, language minorities, low income, youth, new Americans and the disabled. MassVote conducted poll monitoring/exit polling during the 2008 election.

Muslim Bar Association of New York

The Muslim Bar Association of New York (MuBANY) is a member-based professional association serving the educational, professional, and social needs of Muslim lawyers, legal professionals and law students living and working in the New York metropolitan area. In 2008, MuBANY members participated in voter registration and election protection efforts focused on Muslim voters, many of whom are Asian Americans, including poll monitoring/exit polling.

National Asian Pacific American Women's Forum

NAPAWF is the only national, multi-issue APA women's organization in the country. NAPAWF's mission is to build a movement to advance social justice and human rights for APA women and girls. NAPAWF has been actively involved in registering, educating, and mobilizing

voters over the years, including poll monitoring/exit polling during the 2008 election.

National Korean American Service & Education Consortium

The National Korean American Service & Education Consortium is a national non-profit organization based in Los Angeles, California with a Washington DC office. NAKASEC affiliates are the Korean American Resource & Cultural Center in Chicago and the Korean Resource Center in Los Angeles. Founded in 1994, NAKASEC is a multi-issue civil rights and human rights organization based in the Korean American community. NAKASEC's mission is to project a national progressive voice for Koreans Americans and promote their full participation in the United States. To this end, NAKASEC promotes equitable and just changes to the political and legislative systems through a combination of education and policy advocacy with grassroots organizing and community mobilization. NAKASEC conducted poll monitoring/exit polling during the 2008 election.

North American South Asian Bar Association

The North American South Asian Bar Association (NASABA) is the umbrella organization for 26 regional bar associations in North America representing the interests of over 6,000 attorneys of South Asian descent. Within the United States, NASABA takes an active interest in the legal rights of South Asian and

other minority communities, including voting rights. NASABA conducted poll monitoring/exit polling during the 2008 election.

OCA

Originally founded as the Organization of Chinese Americans, OCA is a national organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans in the United States. With over 80 chapters and affiliates across the nation, OCA's aims are to advocate for social justice, to promote civic participation, to advance coalitions and community building, and to foster cultural heritage. OCA monitors issues and policies that affect the Asian Pacific American community. OCA and/or its chapters have conducted poll monitoring/exit polling during the 2002, 2004, 2006, and 2008 elections.

ONE Lowell

ONE Lowell is a non-profit organization in Lowell, Massachusetts that has been dedicated to increasing the integration and self-sufficiency of Lowell's immigrant populations by strengthening civic participation, developing strong leadership and increasing access to vital services. ONE Lowell works with immigrant communities to register qualified voters and increase awareness about the traditions of democracy in America. The organization also works with local, state and national organizations to increase awareness about policies and legislation that affect the

immigrant populations. ONE Lowell has conducted poll monitoring/exit polling for the past several elections, including the 2008 election.

One Nevada

One Nevada is a nonpartisan coalition that works in partnership with APALA and APIAVote to register new voters and organize get-out-the-vote campaigns by encouraging early voting, phone banking infrequent registered Asian American Pacific Islanders (AAPI) voters, and canvassing highly concentrated AAPI neighborhoods to increase the AAPI vote. One Nevada conducted poll monitoring/exit polling during the 2008 election.

Philadelphia Chinatown Development Corporation

PCDC is a grassroots, non-profit, community-based organization. Our mission is to preserve, protect, and promote Chinatown as a viable ethnic, residential, and business community in Philadelphia, Pennsylvania. PCDC conducted poll monitoring/exit polling during the 2006 and 2008 elections.

Providence Youth and Student Movement

Providence Youth and Student Movement is a local grassroots organization that works to with Southeast Asian American youth and families to confront and end state, street, and interpersonal violence in Providence, Rhode Island. Through programs, campaigns, and

community building, PrYSM focuses on civil rights and social issues that affect immigrant youth. PrYSM conducted poll monitoring/exit polling during the 2004 and 2008 elections.

The Sikh Coalition

The Sikh Coalition works to defend civil rights and liberties for all people, promote community empowerment and civic engagement within the Sikh community, create an environment where Sikhs can lead a dignified life unhindered by bias and discrimination, and educate the broader community about Sikhsim order to promote cultural understanding and create bridges across communities. Ensuring that Sikhs have free access to the polls is fundamental to this mission. The Sikh Coalition believes that any attempt to suppress the right to vote is contrary to the laws and traditions of the United States. The Sikh Coalition conducted poll monitoring/exit polling during the 2004, 2006, and 2008 elections.

South Asian Americans Leading Together

South Asian Americans Leading Together (SAALT) is a national, non-profit organization dedicated to ensuring the full and equal participation by South Asians in the civic and political life of the United States. SAALT works to unify the South Asian community in America and provide a voice on issues affecting South Asians that relate to equality and civil rights. SAALT coordinates the National Coalition of

South Asian Organizations (NCSO), a national network of 36 organizations based in 12 regions around the country. SAALT conducted poll monitoring/exit polling during the 2004, 2005, 2006, and 2008 elections.

South Asian Bar Association of Michigan

The South Asian Bar Association of Michigan is a voluntary bar association dedicated to the needs, concerns, and interests of the South Asian American legal community in the Michigan area. The South Asian Bar Association of Michigan conducted poll monitoring/exit polling during the 2008 election.

South Asian Bar Association of New York

The South Asian Bar Association of New York (SABANY) is an organization of South Asian attorneys practicing in the New York Metropolitan region. SABANY is a voluntary bar association dedicated to the needs, concerns, and interests of lawyers of South Asian heritage. SABANY is dedicated to ensuring the civil liberties of the South Asian community in New York, by acting as a conduit between the South Asian community and legal services and educational programs in the area. In addition, they are committed to promoting the professional development of the South Asian legal community through networking, advocacy and mentoring. It is SABANY's goal to educate South Asian Americans about the legal system and to encourage more participation by the community

in the legal profession. SABANY conducted poll monitoring/exit polling during the 2008 election.

South Asian Youth Action!

The South Asian Youth Action! (SAYA!) is a community organization working to promote leadership and encourage the success of South Asian youth in the New York City area. SAYA! recognizes the importance of creating opportunities for South Asian youth and works to resolve the social issues that affect the South Asian community in a post-9/11 society. Through its programs and advocacy efforts SAYA! works to create broad social and systematic changes that positively impact immigrant youth. SAYA! has conducted election poll monitoring/exit polling for the past several elections, including the 2008 election.

Vietnamese American Initiative for Development

Vietnamese American Initiative for Development (VietAID) is a local organization dedicated to empowering the Vietnamese Community of the Boston metropolitan area through civic participation and community development. In preparation for the 2000 elections, VietAID conducted voter registration drives and mobilized voters, which lead to an increased voter turnout by 47% in the Vietnamese American community.

Vietnamese American Young Leaders Association of New Orleans

The Vietnamese American Young Leaders Association of New Orleans (VAYLA-NO) is a youth-led, youth organizing and development, community-based organization in New Orleans dedicated to the empowerment of Vietnamese American and underrepresented youth through services, cultural enrichment, and social change. VAYLA-NO conducted poll monitoring/exit polling during the 2008 election.

YKASEC – Empowering the Korean American Community

YKASEC – Empowering the Korean American Community was established to meet the needs and concerns of the Korean American Community through education, civic participation immigrant rights, social services, and culture in New York. YKASEC works with various grassroots organizations on immigration policy and voter rights. YKASEC – Empowering the Korean American Community has conducted election poll monitoring/exit polling for the past several elections, including the 2008 election.